

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

J&K DELI, INC.,

*

Plaintiff,

*

v.

*

Civil No. 19-03282-JMC

UNITED STATES OF AMERICA,

*

Defendant.

*

* * * * *

DECLARATION OF HO SEONG HWANG


I, Ho Seong Hwang, am over 18 years of age and have personal knowledge of all matters contained herein.

1. I am a shareholder and am the President of J&K Deli, Inc.
2. J&K owns Harry's Deli, a retail food store located in Baltimore's Northeast Market.
3. I have operated Harry's Deli since approximately 1999. My store has been SNAP-authorized for much of that time.
4. On April 30, 2019, FNS withdrew my store's SNAP authorization because it determined that Harry's Deli is a restaurant.
5. Harry's Deli is not a restaurant. We do not have table or chairs and have no waiters or waitresses. A majority of our gross receipts are not from the sale of hot foods or from prepared foods not intended for home consumption
6. Harry's Deli sells eligible food items to SNAP beneficiaries and others. These eligible food items include soup and sandwiches.
7. Soup sales represent a very small percentage of our total sales, less than 1% of our gross receipts. Soup is the only hot food sold at Harry's Deli.
8. All food sold at Harry's Deli is intended for home consumption.
9. I believe that most of Harry's Deli's customers consume food purchased at the Store, including deli meats, sandwiches, and desserts at home. I hold this belief based on working at the store since 1999 and based on discussions with my customers.

FURTHER AFFIANT SAYETH NOT.

I DECLARE UNDER PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE AND CORRECT.

Dated this 30th day of September 2020.


Ho Seong Hwang